

REMARKS

Claims 1-23 are pending in the above-identified application. Claims 1-23 stand rejected under 35 U.S.C. § 103(a). Claims 1, 7-10, and 17-20 have been amended non-substantively for clarity. Based on the following remarks, we respectfully request allowance of the application.

AMENDMENT TO THE SPECIFICATION

Paragraph [0001] of the specification is amended to make the priority claims consistent with the Application Data Sheet filed on July 4, 2004. This amendment does not add any additional claims of priority.

CLAIM REJECTIONS – 35 U.S.C. § 103

The Examiner rejected claims 1-23 under 35 U.S.C. § 103(a) for obviousness. The Examiner rejected claims 1-3, 7-9, 13, 14, 20, and 21 as being unpatentable over Broadhurst (U.S. Patent No. 6,560,634 B1) in view of Damashek (U.S. Patent No. 5,418,951).

Independent claims 1, 17, and 18 are amended to substitute the word “query” for “request” as suggested by the Examiner.

On September 1, 2009, an Advisory Action was mailed. In the Advisory Action, the Examiner stated that the addition of “query” to the claim limitations “is in conflict with application specification [0026].” Paragraph [0026] of the specification as filed (which is identified as paragraph [0028] of the published application) recites:

There are registration services such as the registration of domain names. Domain names are identifiers used for accessing resources and retrieving registrant domain name information. Resource location of a domain name may be determined by resolving a DNS query and domain name availability may be determined by using a WHOIS service to query an appropriate NIC database. There are search services to access searchable databases of network resources that are relied upon daily by millions of users. When a client system receives a search request, a query may be sent to a server connected to the Internet to retrieve

Uniform Resource Locators (URLs) that satisfy the search request. Web page results are typically generated and displayed to the client in a batch of hyperlinks that access network resources.

Use of the word “query” in paragraph [0026] refers to requests that are made by a computer or machine. This is consistent with the use of the word “query” in independent claims 1, 17, and 18. Therefore, the claims are not in conflict with paragraph [0026].

Broadhurst is directed toward a method for searching multiple DNS servers to determine the availability of a single domain name across multiple DNS servers around the world. Broadhurst describes a “query server that overcomes the shortcomings of existing domain name searching techniques by performing a multitude of searches simultaneously, transparent to the user.” (Broadhurst, Abstract). “[T]he improved query server searches for existing domain name records in various domains and then displays the results in a formatted manner, thus eliminating the need for a user to perform individual searches.” (Broadhurst, Abstract). “For example, if client browser 106 selects 50 domains to query, search engine 226 may spawn 5 search sub-processes, so that each spawned search sub-process queries 10 DNS servers. (Broadhurst, Col. 5, Lines 59-62). “In response to the search request, the DNS server 108 searches its domain-name database for a DNS record associated with the specific domain name (step 148). The DNS server 108 generates a response that indicates whether a DNS record was found for that domain name.” (Broadhurst, Col. 6, Lines 10-14; emphasis added). “If a response indicates that the domain-name database contains a DNS record associated with the domain name, query engine 222 flags that response signifying that the domain name has indeed been registered in the specific domain for further inquiry.” (Broadhurst, Col. 6, Lines 18-22).

The Examiner admits, however, that Broadhurst fails to disclose “wherein the second data request is automatically generated based on said first data query to select said at least one second result having content associated with, but not identified by, said first data query” as recited in claim 1.

Damashek is directed toward a “method of identifying, retrieving, or sorting documents by language or topic.” (Damashek, Abstract). “The first step consists of

parsing text, which is written in an unidentified language, into n-grams.” Damashek, Col. 4, Lines 50-51). “Known examples of text in different languages and topics are collected as reference documents.” (Damashek, Col. 5, Lines 10-11). “The reference documents are parsed into n-grams.” (Damashek, Col. 5, Line 24). “The unidentified document is then compared to each of the reference documents.” (Damashek, Col. 5, Lines 54-55). “The query is submitted by the user. The query represents the type of document that the user wishes to retrieve from the database.” (Damashek, Col. 9, Lines 59-61).

Damashek, however, does not disclose “wherein the second data query is automatically generated based on said first data query to select said at least one second result having content associated with, but not identified by, said first data query” as recited in claim 1 because Damashek determines the similarity between a user-provided document and reference documents. Looking for similarities in a document database does not amount to or suggest “automatically generat[ing]” a “second data query” “based on [a] first data query.”

Further, Damashek’s teaching of identifying the language of an “unidentified document” is not a disclosure of selecting a “second result having content associated with, but not identified by, said first data query.” In Damashek, “unidentified” refers to the unknown language of the document or the unknown topic of the document. For example, the document may be written in Italian, but before using Damashek to determine the language, it is “unidentified.” In claim 1, the “second result” has content that is “not identified by” the first data query. The “first result” comes from the first data query. The “second result” comes from the second data query. Put another way, the “first result” is identified by the first data query, and the second result is “not identified by” the first data query. “Unidentified” as used by Damashek is not the same as “not identified” as used in claim 1. In Damashek, the topic or language of the document is unknown or yet to be identified (“unidentified”). In claim 1, the second result is associated with, but “not identified by” (not the product of), the first data query.

The Examiner further states that it would have been obvious for a person of ordinary skill in the art at the time of the invention to readily recognize the advantage of Modifying Broadhurst’s system with the features of Damashek’s system. We disagree.

Even assuming Broadhurst and Damashek together disclose each of the elements of claim 1, which they do not as we have described above, a person having ordinary skill in the art at the time of the invention would not modify Broadhurst with Damashek because there would be no reason to do so. Broadhurst is directed toward an improvement in determining the availability of a domain name in multiple countries. Damashek is directed toward determining the language or topic of an unknown document by comparing the n-grams of the unknown document with a group of known reference documents. Broadhurst is directed toward domain name registration. Damashek is directed toward categorizing documents. Aside from being from altogether different fields, there would be no need for a user to determine the language or topic of a domain name for which they were attempting to determine the availability.

Based on the above, we believe claim 1 is allowable. Claims 17 and 18 include elements similar to claim 1 and are, therefore, allowable for the same reasons as claim 1. The remaining claims ultimately depend upon one of the independent claims shown allowable over the cited above. While we believe that other arguments are available to highlight the allowable subject matter presented in various ones of these dependent claims, we also believe that the comments set forth herein are sufficiently compelling to warrant exclusion of such additional points for the sake of brevity and expedited consideration.

CONCLUSION

Based on the above, we believe that pending claims 1-23 are allowable.
Therefore, we respectfully request allowance of all claims.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By: /Nicholas T. Peters/
Nicholas T. Peters
Reg. No. 53456
ntpete@fitcheven.com

Dated: September 29, 2009

Fitch, Even, Tabin & Flannery
120 South LaSalle Street, Suite 1600
Chicago, Illinois 60603-3406